

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
RUTH SMALL, L.P.N.	:	
License # 26NP 03778100	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ruth Small ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. Respondent was charged on or about June 21, 2014 with theft by deception, i.e., with conspiring to obtain property belonging to another by receiving an exorbitant amount of money for work promised, without the intention of ever completing such work. On or about February 27, 2015 Respondent entered a guilty

plea to the lesser charge of criminally attempting to receive stolen property. Respondent was sentenced to one year of probation on April 10, 2015.

CONCLUSIONS OF LAW

Respondent's conviction on April 10, 2015 of criminally attempting to receive stolen property is an offense of moral turpitude that relates adversely to the practice of nursing within the intendment of N.J.S.A. 45:1-21(f).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a two year suspension (one year active, one year stayed to be served as probation) was entered on May 11, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline. She maintained that she did not know that what she was doing was

a crime. Nonetheless, she acknowledged that her conduct could have resulted in a three year jail sentence so, upon the advice of legal counsel, she accepted a plea deal and pled guilty to an amended charge in order to avoid a jail term. It is not acceptable for Respondent to enter a guilty plea to a crime or offense, get the benefit of a bargain (no jail), and then turn around and advise the Board that she did not commit the offense to which she pled guilty. Criminally attempting to receive stolen property is adverse to the practice of nursing and erodes the public's trust in nurses, and specifically, this Board's trust in Respondent.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. The Board was not persuaded that Respondent "knew nothing about no crime."

ACCORDINGLY, IT IS on this 17th day of December, 2015,
ORDERED that:

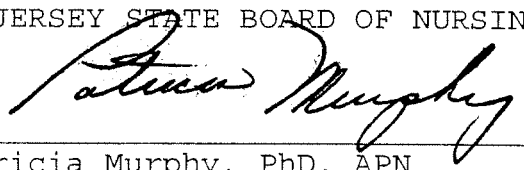
1. Respondent's nursing license is hereby suspended for a period of two years for the violation of N.J.S.A. 45:1-21(f). One year of the suspension is to be actively served, with the remaining year to be served as a period of probation. The

suspension is to start one week after the date of filing of this Final Order of Discipline. Upon completion of the year of active suspension, Respondent may petition the Board for reinstatement of her nursing license, the granting of which shall not be unreasonably withheld. An order of reinstatement shall then issue, with reasonable reporting requirements imposed with respect any subsequent arrests, and with respect to her 2015 conviction, including documentation of compliance with her criminal probation, and payment of any assessments imposed by the court.

2. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By: _____


Patricia Murphy, PhD, APN
Board President